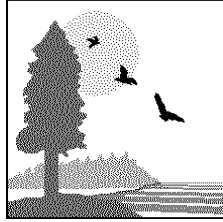


**CALIFORNIA STATE LANDS COMMISSION**

200 Oceangate, Suite 900  
Long Beach, CA 90802

**PAUL D. THAYER, Executive Officer**

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone **1-800-735-2922**  
from Voice Phone **1-800-735-2929**

**Contact Phone: (916) 574-2568**

**Contact FAX: (916) 574-1955**

December 11, 2003

File Ref: W 9777.234

Dear Shipping Agent:

On September 24, 2003, the Governor signed into law AB 433 (Public Resources Code (PRC) §71200 – 71271), "The Marine Invasive Species Act" (the Act), which becomes effective January 1, 2004. The Act reauthorizes and enhances the existing statewide mandatory ballast water management and control program under the jurisdiction of the California State Lands Commission (the Commission). The Commission is asking for your assistance in notifying vessel owners and operators of the changes in this new law. The following is a summary of that law.

1. The Act requires that **ALL VESSELS**, United States or foreign, entering a California port or place from outside California waters, shall:
  - a) Submit information on their per vessel voyage ballast water management practices upon the vessel's departure from each port or place of call in California. This information shall be submitted using the form developed by the United States Coast Guard and be retained for two years on board the vessel. Amended forms are to be submitted to the Commission as necessary. Forward forms to:

California State Lands Commission  
Marine Facilities Division  
200 Oceangate, Suite 900  
Long Beach, CA 90802  
FAX: 562-499-6444  
Email: [bwform@slc.ca.gov](mailto:bwform@slc.ca.gov)

- b) Submit a fee as authorized by the Act (PRC 71215) at the first port or place of call in California. The fee is currently set at \$200 per voyage, which will be collected by the State Board of Equalization, although we anticipate that the fee amount will be set at \$500 when the regulatory process commences. This fee will be deposited into the Marine Invasive Species Control Fund to pay for the State's ballast water management and control program. The fee amount is

based, in part, on the overall level of compliance, as well as the overall cost of program implementation.

- c) Prepare and maintain a vessel specific ballast water management plan; prepare and maintain a separate ballast water log; adopt "Good Housekeeping Practices"; and provide training of vessel crew on the application of ballast water and sediment management and treatment procedures.
  - d) Submit to compliance inspections by Commission staff, through sample collection of ballast water and sediment, the examination of documents, and additional appropriate inquiries.
2. The Act requires that vessels entering a California port or place after operating outside the U.S. exclusive economic zone (EEZ) must employ at least one of the following ballast water management practices:
- a) Exchange ballast water outside the EEZ, from an area not less than 200 nautical miles from any shore and in waters more than 2000 meters deep (mid-ocean waters), before entering the waters of the state;
  - b) Retain all ballast water on board the vessel;
  - c) Discharge the ballast water at the same location where the ballast water originated, providing that the master, operator, or person in charge of the vessel can demonstrate that the ballast water to be discharged was not mixed with ballast water taken on in an area other than mid-ocean waters. "Same location" means an area within one nautical mile (6,000 feet) of the berth or within the recognized breakwater of a California port or place, at which the ballast water to be discharged was loaded;
  - d) Use an alternative, environmentally sound method of ballast water management approved by the Commission or the U.S. Coast Guard before the vessel begins the voyage;
  - e) Discharge the ballast water to a reception facility approved by the Commission;
  - f) Perform a ballast water exchange within an area agreed to by the Commission in consultation with the U.S. Coast Guard at or before the time of the request.
- 3) The Act requires that vessels entering a California port or place from a port or place in Oregon or Washington minimize all ballast water discharges in state waters.

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Because agents are one of the primary conduits of information for vessel operators entering California ports or places, your assistance in providing notice to them is greatly appreciated. With your help, we expect the implementation of the Act will proceed smoothly. Thank you for your attention to this matter.

If you have any questions, please contact me at the numbers listed above, or Terri Ely at 562-499-6312. Otherwise, refer to the Commission's web page at <http://www.slc.ca.gov> for more information.

Sincerely,

Maurya B. Falkner  
Ballast Water Program Manager  
Marine Facilities Division